

**657—100.4 (124) Access to database information and confidentiality.** Information collected in the PTS is confidential unless otherwise ordered by a court or released by the office pursuant to state or federal law. Information may not be released except as provided by this rule.

**100.4(1) *PTS administrators.*** PTS administrators shall be provided access to the PTS for the purpose of searching and retrieving reports only by articulating reasonable suspicion or providing a case number or reference number for an ongoing investigation. PTS administrators shall also be provided information on purchasers directly from the PTS. This information may be sent directly to law enforcement officers pursuant to paragraph 100.4(2) “e” for purposes of investigation.

**100.4(2) *Law enforcement release.*** PTS reports may be provided to a law enforcement officer whose duty is to enforce the drug laws of this state, another state, or the United States pursuant to this subrule.

*a.* A law enforcement officer shall register with the PTS prior to requesting reports. To ensure the identity of the officer and to maintain confidentiality of PTS information, the officer’s identity shall be verified and registration shall be approved by the office.

*b.* A law enforcement officer may request information or data from the PTS by providing to a PTS administrator a case or reference number for an ongoing investigation and by articulating reasonable suspicion.

*c.* At the discretion of the office, law enforcement officers may be given direct access to data from the PTS pursuant to the federal Combat Methamphetamine Epidemic Act.

*d.* If a law enforcement officer requests PTS information on purchases or attempted purchases in excess of the monthly limit established in 657—subrule 10.32(3) or subrule 100.3(2), a subpoena or other court order is required.

*e.* Data collected on purchases in excess of limits established pursuant to the federal Combat Methamphetamine Epidemic Act may be released to law enforcement officers by PTS administrators without a court order or articulating reasonable suspicion.

**100.4(3) *Statistical data.*** The PTS administrator, following establishment of confidentiality, may provide summary, statistical, or aggregate data to public or private entities for statistical, research, or educational purposes. Prior to release of any such data, the administrator shall remove any information that could be used to identify an individual patient, dispenser, or other person who is the subject of or identified in the PTS information or data.

**100.4(4) *Patients.*** A patient may request and receive information regarding products reported to have been purchased by the patient.

*a.* A patient may submit a signed, written request for records of the patient’s purchases and attempted purchases during a specified period of time. The request shall identify the patient by name, including any aliases used by the patient, and shall include the patient’s date of birth and gender. The request shall also include any address where the patient resided during the time period of the request and the patient’s current address and daytime telephone number. A patient may personally deliver the request to the PTS administrator or authorized staff member of the office located at Wallace State Office Building, 502 E. 9th Street, First Floor, Des Moines, Iowa 50319. The patient shall be required to present current government-issued photo identification at the time of delivery of the request. A copy of the patient’s identification shall be maintained in the records of the PTS.

*b.* A patient who is unable to personally deliver the request to the office may submit a request via mail or commercial delivery service. The request shall comply with all provisions of paragraph “a” above, and the signature of the requesting patient shall be witnessed and the patient’s identity shall be attested to by a currently registered notary public. In addition to the notary’s signature and assurance of the patient’s identity, the notary shall certify a copy of the patient’s current government-issued photo identification, and that certified copy shall be submitted with the written request. The request shall be submitted to the governor’s office of drug control policy at the address identified in paragraph 100.4(4) “a.”

**100.4(5) *Regulatory officers.*** Regulatory agencies that supervise or regulate a health care practitioner shall be able to access information from the PTS only pursuant to an order, subpoena,

or other means of legal compulsion relating to a specific investigation of a specific individual and supported by a determination of probable cause. A director of a regulatory agency with jurisdiction over a practitioner, or the director's designee, who seeks access to PTS information for an investigation shall submit to the PTS administrator in a format established by the office a written request via mail, facsimile, or personal delivery. The request shall be signed by the director or the director's designee and shall be accompanied by an order, subpoena, or other form of legal compulsion establishing that the request is supported by a determination of probable cause.

**100.4(6) *Pharmacy administrators.*** A pharmacy, an authorized employee of a pharmacy, or a licensed pharmacist shall be provided access to the stored PTS information only for the limited purpose of determining the sales made by the pharmacy. A pharmacy shall be able to print the pharmacy's sales records for any product during any specified period of time upon the request of the board or an agent of the board.

**100.4(7) *Court orders and subpoenas.*** The PTS administrator shall provide database information in response to a court order or a county attorney subpoena or other subpoena issued by a court upon a determination of probable cause.

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